

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Rothenberg
Serial No	10/759,658
Filed	January 16, 2004
Examiner	Bunner
Group Art Unit	1647
Confirmation No.	8032
Title	REGULATION OF ALERGEN INDUCED GENE
Atty. Docket	CMC-162

Cincinnati OH 45202

September 8, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION AND PRELIMINARY AMENDMENT

Responsive to the August 8, 2006 Restriction in the above-referenced application, Applicant elects Group III (claims 11-15). Thus, the Examiner's ¶¶ 3-6 requirements are not applicable. For the Examiner's ¶7 requirement, Applicant elects ee (RELMβ protein). For the Examiner's ¶8 requirement, Applicant elects clinical status. Applicant asserts the species restrictions accompanying Group III are improper, at least because search of the method with RELMα and RELMβ will necessarily disclose art encompassing the species.

Prior to examination of this application, please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.